

Victim / Witness Frequently Asked Questions and Community Resource Directory

Are you a victim or witness to a crime in Rockingham County or Harrisonburg, VA? Do you have questions about the legal processes? This FAQ may answer them. Are you looking for resources within the greater community that may assist you through some difficult situations? Scroll down to learn about some of these great organizations and how to get connected with their services.

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Victim / Witness Frequently Asked Questions

[What is the Victim Witness Program?](#)

The **Victim Witness Program** operates under the **Commonwealth's Attorney's Office** and is a service that assists **crime victims** and those who are seeking to obtain **protective orders**.

When a **criminal charge** is filed, an **advocate** from the **Victim Witness Program** will contact potential **victims and witnesses** by mail and phone. If you come in and file for a **protective order**, an **advocate** may meet with you, attend your hearing, or contact you soon after to follow up.

The **advocates** do NOT offer legal advice, but are there to provide **communication, support, and information**. You can ask them any questions about the process or updates on your specific case. The **contact information** for the **advocates** is located on the right side of the **Victim Witness Program** page on the **Rockingham County Commonwealth's Attorney's Office** website.

[If am the victim or witness of a crime. What do I do?](#)

Inform law enforcement or the judicial system about the criminal act. The crime can be reported to the **police**, or directly to the magistrate via a **private complaint**. The magistrate's office is located at the **Rockingham County Sheriff's Department** in Harrisonburg, VA.

[Reporting a crime to the police](#)

Contact your local law enforcement agency if you are in a situation involving immediate danger or if you feel that their presence is necessary. Law enforcement may open a police report, make an arrest, and / or file a criminal charge themselves. They may also instruct you to go and file a **private complaint**. If the police were contacted, request the **officer(s) information** and the **police report information** so you can follow up on the case.

[Filing a private complaint](#)

A **private complaint** is a way for victims or witnesses to directly report a crime to the courts. A **private complaint** can be filed through the **magistrate** at the **Rockingham County Sheriff's Department in Harrisonburg, VA**. Make sure to do so as **soon as possible** after the crime has occurred.

Before filing a **private complaint**, make sure that the crime occurred under the proper **jurisdiction**. The crime must have occurred within **Rockingham County** or the **City of Harrisonburg** to be handled by the **Rockingham County Commonwealth's Attorney's Office**, regardless of where you or the defendant / respondent currently reside.

What is a Protective Order, and what is the process to file for one?

A **protective order** is a **civil** legal document that can include a variety of conditions but always includes at least the following: **No contact** is to be made with the **complainant** by the **respondent**. You can also request **no contact** to be made with your children or immediate family members. A **protective order** is granted when one individual is faced with **acts or threats or violence** from another individual.

The **complainant** is the person requesting the **protective order**. The **respondent** is the individual who must abide by the **protective order** if it is granted.

A **protective order** is a **civil** matter and separate from **criminal charges** – although occasionally they are addressed by the same judge at the same hearing. You can file for both a **protective order** and a **private criminal complaint** at the **magistrate's office**, or you can choose to only file for one of them depending on your wishes and the situation.

There are other conditions that can be included on the **protective order**, including **temporary custody, possession of a car / residence, or barring the respondent from the workplace**, etc. You must specifically request these from the judge during your hearing and write them on your paperwork. You can ask an **advocate** about other conditions you can request on your **protective order**.

Protective orders are only **active** when **both parties** have been **served** with the newest iteration of the document. **Contact law enforcement** each day to find out if / when the respondent has been served. This is why it is important to **provide accurate information on the respondent**.

If the **respondent** breaks any of the conditions on the **protective order** after being **served**, contact **law enforcement** immediately and try to **document the incident**. Breaking a **protective order** is a **criminal offense**.

An **advocate** will be present at the **protective order** hearings. **Do not be late**, or the judge may **dismiss** your **protective order**. Show up to court **30 minutes early**. Make sure to **ask the clerk, advocate, or bailiffs** and **check your documents** to make sure you are in the right courtroom.

An **emergency protective order** is granted by the **magistrate** and can be **requested by yourself in person**. **Law enforcement** present at the scene of a crime may also **request one on your behalf** or for your wellbeing. An **emergency protective order** is valid for **three days**.

A **preliminary protective order** will be issued following the **emergency protective order** after the **judge** listens to your story at a **hearing**. It is also possible that the **preliminary protective order** is the first hearing you will have. The **preliminary protective order** is in effect for **two weeks**. A final hearing will then be scheduled.

At the hearing for the **permanent protective order**, the **respondent** has a right to be present and explain their side of the story. Your **advocate** can attend the hearing with you, and you will not be in danger. The judge will listen to both sides and make a **ruling**. If granted, the **permanent protective order** is valid for up to **two years**.

To *dissolve* or *amend the conditions* of a *protective order*, contact an *advocate* and *file with the clerk*. The *judge* may want to *hear your reasoning* for the changes, so be prepared to come in for another hearing.

[How do I file for custody?](#)

Custody is a *civil process*, and is handled *separately* from a *criminal charge* or a *protective order*, although an *emergency or preliminary protective order* can grant you *temporary custody*. *Private lawyers* can be hired for the parties involved in *custody cases*, but it is not required. Advocates and prosecutors at the *Commonwealth's Attorney's Office* **CANNOT** be involved in this process. *Custody* can be filed at the *Rockingham County Juvenile and Domestic Relations Court Intake Office*.

[What is a subpoena?](#)

A *subpoena* is a *notification* that you are *required to appear in court* that will be *sent to your residence or business*. Receiving a *subpoena* means you are most likely going to *testify*. Contact an *advocate* if you have any *questions or concerns* about your *subpoena*.

Show your employer the *subpoena* you received. *Virginia Code 18.2-465.1* states that an individual *cannot be fired or required to use vacation / sick days when missing work due to a subpoena*. However, you **CANNOT** receive reimbursement for lost wages when attending court.

[What does it mean if my case has been "continued"?](#)

A ruling of *continuance* means that the *court hearing* will *not occur at the present time* or on the *initially scheduled date*, but rather will be pushed back to a *later date* the prosecution and defense agree upon.

Tell an *advocate* the *absolute avoid dates* when you *cannot be present for court*, so the prosecutor and judge can try to *avoid scheduling the court hearing on that date*. This is important, especially if you are going to *testify or want to be involved in case proceedings*.

[What is the difference between restitution and compensation, and how do I know if I am qualified for them?](#)

If you were *injured* during the course of a *crime being committed against you*, or your *property was damaged*, you have the right to seek *restitution*. *Restitution* is money *paid by the defendant* to you *after a conviction*. *Restitution* is mostly discussed during *sentencing and after a trial*. *Defendants* are typically given a time period of several months to multiple years to complete their *restitution payments*. *Restitution* can be ordered to reimburse crime victims for *property damages or medical bills* associated with their criminal case. It does **NOT** allow payment for pain and suffering, or lost wages.

Compensation is payment the **court** gives to you for situation where you must **travel very far to testify** and need money for gas, plane tickets, or lodging while in town. Speak to your **advocate** if you believe this may apply to you.

A **civil suit** requires **private lawyers** and is **separate from the criminal matter**. The **Commonwealth's Attorney's Office and the Victim Witness Program cannot help you** in a **civil suit**, nor can they advise you on what legal actions to take.

Make sure you tell your **advocate** and **prosecutor** if you wish to seek **restitution or compensation**, and they will explain your options and assist you through the process.

[I do not speak English. What resources are available for me?](#)

You still have a **right to know what's going on with your case** and to **participate in all proceedings**.

The **Commonwealth's Attorney's Office** has a **language line** that can be utilized at the office for all communication in many languages. Ask a **victim advocate** for assistance. **Translators** for certain languages may also be available to attend legal proceedings **in person**.

[I have evidence relating to a crime I was a victim of. What do I do with it?](#)

Gather the **contact information** of **witnesses** and **contact law enforcement or a victim advocate** if you have **evidence** related to your case in your possession **as soon as possible**. Be prepared to **answer questions** and to have these individuals and yourself **called to testify** when the evidence is shown in court.

[I wish to drop the criminal charges / no longer wish to participate in the case. What do I do?](#)

Inform your **advocate** as soon as possible.

The **prosecuting attorney** has full **discretion** in the case, and may or may not **drop the charges**. Many are willing to **listen to your reasoning** and make a decision thereafter.

[I have further questions not answered here. Who can I contact?](#)

Go to the **Victim Witness Program** tab on the **Commonwealth's Attorney's Office** website. On the **right side** there are the **emails** of the individual **advocates** and the **office phone number**.

Feel free to **call and / or email** to have any questions answered or to receive clarification or more in-depth explanations on various topics.

Get in contact with an advocate as soon as possible. They will frequently reach out to you first via mail or phone, but don't be afraid to ask to speak with an advocate or reach out to the **Victim Witness Program**.

Resources Directory

[First Step](#)

First Step offers **counseling, case management, advocacy, and more resources** (including **temporary housing**) for those who are victims of **domestic violence**.

If you would like to contact them, their **website** is: <https://www.firststepva.com/>

[Collins Center](#)

The *Collins Center* is a **sexual and domestic abuse crisis center** for both **children and adults**.

If you are in need of their services, their website is: <https://www.thecollinscenter.org/>

[Blue Ridge Legal Services](#)

Blue Ridge Legal Services helps **local, low-income individuals** with **legal assistance** in most **civil proceedings**. Contact them and see if you **qualify for their assistance** in those matters.

Their website is: <https://brls.org/>

[Fairfield Center](#)

Fairfield Mediation Center is a center that offers **legal mediation for civil and criminal cases**.

Their website is: <https://www.fairfieldcenter.org/mediation/>

[Mercy House](#)

Mercy House is a **nonprofit organization** that **assists those with immediate financial and housing needs**. There is a **shelter** and a variety of **programs** to help individuals **find and keep housing**.

If you would like to inquire about their services, their website is:
<http://www.themercyhouse.org/>

[Community Services Board](#)

The *Community Services Board* has a vast array of **programs and resources** available regarding **facilitation, counseling, substance abuse treatment, and other viable resources** for both **children and adult** residents in **Rockingham County and Harrisonburg, VA**.

Their website is: <https://www.hrcsb.org/>